

DIANE & ANDREW BUTLER, et al.,	*	BEFORE THE
Appellants,	*	HOWARD COUNTY
v.	*	BOARD OF APPEALS
HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING,	*	BA Case No. 689-D
Appellee.	*	

DECISION AND ORDER

The Howard County Board of Appeals (the “Board”) convened on June 26, 2012, to hear the Appellant, Diane Butler, and the Appellee, Howard County Department of Planning and Zoning (“DPZ”), argue the merit of Appellant’s appeal of the Howard County Department of Planning and Zoning’s February 14, 2012 Decision and Order granting, in part, and denying in part, the temporary use petition of Appellants.

Board members John Lederer, Maurice Simpkins, Henry Eagles and James Howard were present at the June 26, 2012 hearing. Barry M. Sanders, Assistant County Solicitor, was the legal advisor for the Board.

The Howard County Code, the Howard County Charter, the Howard County Zoning Regulations, the Petition of Appeal, the Memorandum of Appellant and the Reply Memorandum filed by Appellee, the February 14, 2012 Decision and Order of DPZ and complete record in Temporary Use (TU) Case No. 11-011, and the complete record of TU Case No. 11-003, in which DPZ granted appellants’ first petition for temporary use on August 25, 2011, and the transcripts of hearing in both proceedings were incorporated into the record by reference.

After careful consideration and review of the record, the Board of Appeals concludes that the February 14, 2012 Decision and Order of DPZ is supported by substantial evidence in the record as a whole and is not arbitrary or capricious, contrary to law, or clearly erroneous.

It is therefore, this 2ND day of July, 2012, by the Howard County Board of Appeals:

ORDERED, that the February 14, 2012 Decision and Order of DPZ is hereby **AFFIRMED**; and it is further,

ORDERED, that the unauthorized second shipping container shall be removed from the properties located at 4056 St. Johns Lane, Ellicott City, Maryland, and 4060 St. Johns Lane, Ellicott City, Maryland, no later than 28 days from the date of this Decision and Order.

ATTEST:

**HOWARD COUNTY BOARD
OF APPEALS**

A. Mathieson
Allison Mathieson, Board Secretary

Did Not Participate
James Walsh, Chairperson

[Signature]
John Lederer, Vice Chairperson

PREPARED BY:
HOWARD COUNTY OFFICE OF LAW
MARGARET ANN NOLAN
COUNTY SOLICITOR

Maurice M. Simpkins
Maurice Simpkins

Barry M. Sanders
Barry M. Sanders
Assistant County Solicitor

Henry E. Giles
Henry Giles
[Signature]
James Howard